

(2) Complete Form 5300.35 to show that notice of the transferee's statement of intent to obtain a handgun and a copy of the form have been provided to the chief law enforcement officer in compliance with § 178.102(a).

(c) The licensee shall retain the original Form 5300.35 as part of the records required to be kept under this subpart. If the sale, delivery, or transfer of the handgun to the transferee is made, Form 5300.35 shall be attached to the firearms transaction record, Form 4473, executed upon delivery of the handgun as provided in § 178.124. If the sale, delivery, or transfer is not made, the licensee shall retain Form 5300.35 as part of the records required to be kept under this subpart. Forms 5300.35 with respect to which a sale, delivery, or transfer did not take place shall be retained in alphabetical (by name of transferee) or chronological (by date of transferee's sworn statement) order.

(d) The requirements of this section shall be in addition to any other recordkeeping requirements contained in this part.

(e) A licensee may obtain, upon request, an emergency supply of Forms 5300.35 from any regional director (compliance) or local ATF office (compliance).

(Approved by the Office of Management and Budget under control number 1512-0520)

[T.D. ATF-354, 59 FR 7113, Feb. 14, 1994, as amended by T.D. ATF-361, 60 FR 10787, Feb. 27, 1995; T.D. ATF-389, 62 FR 19445, Apr. 21, 1997]

#### **§ 178.131 Handgun transactions not subject to the waiting period.**

(a)(1) A licensed importer, licensed manufacturer, or licensed dealer whose sale, delivery, or transfer of a handgun is made pursuant to the alternative provisions of § 178.102(d) and is not subject to the waiting period prescribed by § 178.102(a) shall maintain the records required by this paragraph.

(2) If the transfer is pursuant to a written statement of the chief law enforcement officer in accordance with § 178.102(d)(1), the licensee shall retain such statement and attach it to the firearms transaction record, Form 4473, executed upon delivery of the handgun.

(3) If the transfer is pursuant to a permit or license in accordance with § 178.102(d)(2), the licensee shall either retain a copy of the purchaser's permit or license and attach it to the firearms transaction record, Form 4473, or record on the firearms transaction record, Form 4473, any identifying number, the date of issuance, and the expiration date (if provided) from the permit or license.

(4) If the transfer is pursuant to a verification of eligibility to possess a handgun (e.g., an instant record check) by a government official in accordance with § 178.102(d)(3), the licensee shall attach to the firearms transaction record, Form 4473, executed upon delivery of the handgun, a statement showing the date of verification and any identifying number assigned to the transaction by the agency responsible for conducting the verification of eligibility.

(5) If the transfer is pursuant to a certification by ATF in accordance with §§ 178.102(d)(5) and 178.150, the licensee shall maintain the certification as part of the records required to be kept under this subpart and for the period prescribed for the retention of Form 5300.35 in § 178.129(b).

(b) The requirements of this section shall be in addition to any other recordkeeping requirements contained in this part. (Approved by the Office of Management and Budget under control number 1512-0520)

[T.D. ATF-361, 60 FR 10788, Feb. 27, 1995]

#### **§ 178.132 Dispositions of semiautomatic assault weapons and large capacity ammunition feeding devices to law enforcement officers for official use and to employees or contractors of nuclear facilities.**

Licensed manufacturers, licensed importers, and licensed dealers in semiautomatic assault weapons, as well as persons who manufacture, import, or deal in large capacity ammunition feeding devices, may transfer such weapons and devices manufactured after September 13, 1994, to law enforcement officers and to employees or contractors of nuclear facilities with the following documentation:

(a) *Law enforcement officers.* (1) A written statement from the purchasing